

Introduced by Senator O'Connell

February 21, 2002

An act to amend Sections 12205 and 12305 of the Public Contract Code, relating to public contracts.

LEGISLATIVE COUNSEL'S DIGEST

SB 1697, as introduced, O'Connell. Public contracts: purchase of recycled products.

Existing law requires the Legislature to meet certain goals for the procurement or purchase of recycled products, as defined.

This bill would include antifreeze within the definition of "recycled product" for these purposes.

Existing law requires contractors contracting with the Legislature or state agencies to certify in writing, under penalty of perjury, whether the materials, goods, or supplies offered contain the minimum percentage of recycled product required by law.

This bill would make contracts for the provision of antifreeze defined as recycled products subject to this requirement.

By creating a new crime of perjury, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 12205 of the Public Contract Code is amended to read:

12205. (a) All state agencies shall require all contractors to certify in writing the minimum percentage, if not the exact percentage, of postconsumer and secondary material in the materials, goods, or services provided or used. This certification shall be furnished under penalty of perjury.

(b) The department, in consultation with the board, shall review and revise the procurement specifications used by state agencies in order to eliminate restrictive specifications and discrimination against the procurement or purchase of recycled products. Fitness and quality being equal, all state agencies shall purchase recycled products instead of nonrecycled products whenever recycled products are available at the same total cost as nonrecycled products. All state agencies shall allow a price preference as determined by the board pursuant to Section 12162. In determining procurement specifications, with the exception of any specifications that have been established to preserve the public health and safety, all state procurement and purchasing specifications shall be established in a manner that results in the maximum state procurement and purchase of recycled products.

(c) (1) To assist the state in meeting the requirements of subdivision (a) of Section 12162 and subdivision (e) of this section, the department, in consultation with the board, may also establish recycled-content disclosure, recycled product-only bids, cooperative purchasing arrangements, or conduct an analysis of solid waste diversion from disposal facilities, to meet the requirements for recycled products and to encourage the maximum state procurement and purchase of recycled products. All state agencies shall, if feasible, implement recycled product-only bids for recycled products as defined in subdivision (a) of Section 12200, in order to meet the requirements for recycled products set forth in this section and Section 12162.

(2) This subdivision applies to the procurement or purchase of the following materials, goods, and supplies, or products containing the following recycled resources:

1 (A) Paper products, ~~which~~ *that* include, but are not limited to,
2 fine papers, such as xerographic and envelope papers and form
3 bond, corrugated boxes, newsprint, tissue, and toweling.

4 (B) Compost and cocompost products.

5 (C) Glass.

6 (D) Oil.

7 (E) Plastic.

8 (F) Solvents and paint, including water-based paint.

9 (G) Tires.

10 (H) Steel.

11 (I) *Antifreeze*.

12 (d) All state agencies shall, if feasible, establish purchasing
13 practices that ensure the purchase of materials, goods, and supplies
14 that may be recycled or reused when discarded.

15 (e) The department shall set the following requirements for
16 purchases made by state agencies:

17 (1) By January 1, 1996, at least 20 percent of state purchases are
18 of recycled products.

19 (2) By January 1, 1998, at least 30 percent of state purchases are
20 of recycled products.

21 (3) On and after January 1, 2000, at least 50 percent of state
22 purchases are of recycled products.

23 (4) The requirements specified in this subdivision shall be
24 applied to the purchases of state agencies for products listed in this
25 section, except in subparagraph (A) of paragraph (2) of
26 subdivision (c) for which requirements are specified in Section
27 12162.

28 (f) The purchases of the state agencies shall meet each
29 requirement for, and be applied to the total dollar amount of, each
30 specified product category as defined in this section. The purchase
31 of a recycled-content product from one category may not be
32 applied toward the requirements for, or the total dollar amount of,
33 any other category listed in this section or Section 12157, 12162,
34 12301, or 12305.

35 SEC. 2. Section 12305 of the Public Contract Code is
36 amended to read:

37 12305. This chapter applies to the procurement and purchase
38 of the following materials, goods, and supplies, or products
39 containing the following recycled resources, and meeting the

1 specified content requirements pursuant to either subdivision (c)
2 or (d) of Section 12301, whichever is applicable:

3 (a) Paper products, ~~which~~ *that* include, but are not limited to,
4 fine grades of paper, corrugated boxes, newsprint, tissue, and
5 toweling.

6 (b) Glass.

7 (c) Oil.

8 (d) Plastic.

9 (e) Solvents and paint, including water-based paint.

10 (f) Tires.

11 (g) Steel.

12 (h) *Antifreeze*.

13 SEC. 3. No reimbursement is required by this act pursuant to
14 Section 6 of Article XIII B of the California Constitution because
15 the only costs that may be incurred by a local agency or school
16 district will be incurred because this act creates a new crime or
17 infraction, eliminates a crime or infraction, or changes the penalty
18 for a crime or infraction, within the meaning of Section 17556 of
19 the Government Code, or changes the definition of a crime within
20 the meaning of Section 6 of Article XIII B of the California
21 Constitution.

